

FILED

Clerk

District Court

FEB 02 2017

for the Northern Mariana Islands
By _____

(Deputy Clerk) 

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3 **IN THE UNITED STATES DISTRICT COURT**

4 **FOR THE NORTHERN MARIANA ISLANDS**

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6 PAUL MURPHY,

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Plaintiff,

v.

8 ROBERT GUERRERO, in his official capacity as
9 Commissioner of the Department of Public Safety
10 of the Commonwealth of the Northern Mariana
11 Islands, and LARRISA LARSON, in her official
12 capacity as Secretary of the Department of Finance
13 of the Commonwealth of the Northern Mariana
14 Islands,

Defendants.

Civil Case No. 1:14-cv-00026

15 **AMENDED CLERK'S ENTRY OF**

16 **JUDGMENT**

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18 Notice is hereby given that an **AMENDED JUDGMENT** is entered in accordance with the
19 Court's Order Awarding Costs to Plaintiff (ECF No. 115) and in accordance with the Court's Decision
20 and Order Granting in Part and Denying in Part Cross-Motions for Summary Judgment (ECF No. 109) as
21 follows:

22 1. Judgment is entered in favor of the Commonwealth and against Murphy on the following issues:

23 a. Licensing individuals who seek to possess firearms under 6 CMC § 2204;

24 b. Storage restrictions on firearms in the home under 6 CMC § 10204(a); and

25 c. The ban on large capacity magazines under 6 CMC § 10207(b).

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27 2. Judgment is entered in favor of Murphy and against the Commonwealth on the following issues:

28 a. The registration of firearms;

29 b. The ban on long gun caliber restrictions above .223;

30 c. The ban on the following "assault weapon" attachments to semiautomatic rifles:

- i. a pistol grip under the action of the weapon;
- ii. a thumbhole stock
- iii. a folding or telescoping stock;
- iv. a flare launcher;
- v. a flash suppressor; and
- vi. a forward pistol grip;

d. The ban on carrying a handgun in public, as implemented in the transportation regulations; and

e. The \$1,000 excise tax on pistols.

3. The Court declared unconstitutional and permanently enjoined Defendants Guerrero and Larson from enforcing the following provisions of the Commonwealth Code:

- a. 6 CMC § 2204, to the extent that it requires the registration of firearms;
- b. 6 CMC § 10208(a)(6), to the extent that it restricts the caliber of long guns;
- c. 6 CMC § 10101(e)(1)(i), to the extent that it defines “assault weapon” to include a semiautomatic rifle in a caliber greater than .223 that has the capacity to accept a detachable magazine and any one of the following:
 - i. a pistol grip under the action of the weapon;
 - ii. a thumbhole stock;
 - iii. a folding or telescoping stock;
 - iv. a flare launcher;
 - v. a flash suppressor; and
 - vi. a forward pistol grip;
- d. 6 CMC § 10206, to the extent that it criminalizes the open carry of a handgun (pistol) operable use for self-defense outside the home;
- e. 4 CMC § 1402(h), to the extent that a \$1,000.00 excise tax is applied to per pistol;

f. The last sentence of 4 CMC § 1407(b), to the extent that it is a registration measure that requires customs to withhold imported firearm until or “upon a showing that the firearm has been properly registered.” The remaining portion of this statute passes constitutional muster.

4. The court awarded costs to Murphy in the total amount of \$480.00 pursuant to Rule 54(d)(1) for clerk's fees (\$430) and service fees (\$50).

SO ENTERED this 2nd day of February, 2017.

Heather Kennedy
HEATHER L. KENNEDY
Clerk of Court